



William Rothberg
Sylvie Straus-Figueroa
John Contrubis

Daisy Lozada
Hanniffe Woodstock
Legal Assistants

Rothberg, Straus & Contrubis, LLP

16 Court Street, Suite 2200
Brooklyn, New York, 11241
(718) 624 - 2200

www.rothberglawfirm.com

April 17, 2023

VIA ECF

Magistrate Judge Peggy Kuo
United States District Court
Eastern District of New York
225 Cadman Plaza
Brooklyn, NY 11201

**Re: Roofers, Waterproofers & Allied Workers Local Union No. 8
 Annuity Fund, et al vs. AWE Incorporated. et al**
Index No.: 22-cv-07833-AMD-PK

Dear Magistrate Judge Kuo:

I write as counsel for the Plaintiffs, Roofers, Waterproofers & Allied Workers Local Union No. 8 Annuity Funds, et al in the above referenced action, to offer my sincere apology for failing to request an adjournment, or appear, for the telephone conference scheduled April 11, 2023 at 10:00 AM. The waste of the Court's time is inexcusable.

Please note that I received a call from Defendants' counsel on March 23, 2023. We confirmed email addresses and I sent her information and request for a response on March 29th. Having not received a response, I called (with no answer) and then emailed a follow up today, indicating that I am prepared to file for a default judgment and asking that she appear in the action and/or contact me to negotiate settlement.

If no response is received, I will file the default judgment documents by the end of this week.

Respectfully submitted,

/s/ Sylvie Straus-Figueroa
Sylvie Straus-Figueroa